

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 03-10347-MLW
)
 LUIS HUERTAS)

DEFENDANT'S MEMORANDUM IN SUPPORT OF SENTENCING RECOMMENDATION
UPON SUPERVISED RELEASE REVOCATION

Defendant, Luis Huertas, respectfully moves, that upon finding he has violated the terms of his supervised release, this Court revoke his supervised release and sentence him to time served (approximately 41 days) to be followed by five years of supervised release. Mr. Huertas is to enter and successfully complete an inpatient drug treatment program at Gosnold Treatment Center, Falmouth, MA. Following his completion of inpatient treatment, Mr. Huertas is to be confined at a Community Corrections Center (Coolidge House) for three months and participate in an outpatient drug treatment program at the direction of the United States Probation Department.

BACKGROUND

The instant offense occurred on August 7, 2003. On that date, Huertas assisted in a single hand to hand sale of 0.04 grams of heroin to an undercover police officer in exchange for one bag for his own use. At the time of his arrest, Mr. Huertas was a 25-year-old heroin addict. The Probation Department determined that Huertas qualified as a career offender and that

his guideline sentencing range was 188-235 months.¹ PSR ¶ 94. If he were not a career offender, based on the small amount of drugs involved, the guideline range would have been 15 to 21 months. He was sentenced to 48 months in prison followed by 72 months of supervised release.

While on supervised release, with the support of the probation department, Mr. Huertas availed himself of an intensive outpatient drug treatment program. He also participated in recovery groups as well as individual therapy.

He began supervision on March 29, 2007. He initiated his treatment at Team Coordinating Agency, Inc., Haverhill, MA on June 13, 2007 by completing a diagnostic psychosocial evaluation and beginning weekly individual therapy which he continued up until the time of his arrest in April 2008. When he tested positive for opiates and admitted using heroin in October 2007, he began attending the Structured Outpatient Addiction Program (SOAP). SOAP is a full-time intensive approximately 3 month program which provides early recovery substance abuse treatment. On January 18, 2008, Mr. Huertas successfully completed that program and chose to continue with individual therapy. See Treatment Summary Letter by Outpatient Clinician Amy Fox

¹ Because the government filed notice of Huertas' one prior conviction under U.S.C. 21 § 851 the maximum sentence has been increased to 30 years. Thus the base offense level is increased from 31 to 34 and the guideline range is increased from 151-188 months to 188-235 months.

attached as Addendum A. "While in SOAP, Mr. Huertas demonstrated his leadership qualities by facilitating and coordinating an in-house Alcoholics Anonymous (AA) group twice a week." Addendum A. Unfortunately Mr. Huertas relapsed around March 2008. However, by April 2008 (just prior to his arrest) he was making positive strides back towards recovery which included participation in a methadone maintenance clinic and attending AA meetings and individual therapy. According to his treatment provider, Mr. Huertas is very committed to treatment and did well in their SOAP program. In addition, he made significant progress in individual therapy. Ms. Fox concludes: "He has developed significant insight into the negative consequences of his past substance abuse and the effects of his criminal behavior...." Addendum A.

This is his first supervised release revocation.

ARGUMENT

At the time of the offense, Mr. Huertas was a heroin addict. While on probation, he has made significant steps towards recovery and has had periods of sobriety. However, he continues to struggle with this powerful addiction. It is well settled that inpatient drug treatment is the most intensive and effective treatment available. Mr. Huertas has not had the benefit of such treatment while on supervised release. Prior to his final drug use before being violated, he had agreed to enter inpatient

treatment but the probation department was unable to secure a program due to Mr. Huertas' prior criminal record. Mr. Huertas is eager to avail himself of this opportunity and desperately wants help overcoming his addiction. Further, he is willing to continue with intensive outpatient treatment after completing the inpatient program.

/s/ Catherine K. Byrne
Catherine K. Byrne

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CERTIFICATE OF SERVICE

I, Catherine K. Byrne, hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 29, 2008.

/s/ Catherine K. Byrne
Catherine K. Byrne